REMARKS

This Amendment is in response to the Office Action dated January 22, 2009, in which claims 1, 3-9, 11-15 and 17-19 are initially rejected. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. CLAIM OBJECTIONS

Claim 3 is amended as suggested in the Office Action to depend on claim 1, as opposed to cancelled claim 2.

II. CLAIM REJECTIONS UNDER §103(a)

A. **Error In Rejection - New Office Action Requested**

Several of the rejections contain a typographical error making it impossible for Applicant to respond completely to the rejections. If any of the rejections are maintained following this response, Applicant respectfully requests a new, non-final Office Action correcting the error in order to provide Applicant with an opportunity to respond.

For example, the rejections in paragraphs 8, 9 and 10 on pages 11 and 12 of the Office Action refer to "King (US 6,741,470)", but that patent number corresponds to the Ella reference.

Since there are TWO King references applied by the Examiner, King U.S. Patent No. 6,415,158 and King EP1026908, Applicant cannot determine with specificity which King reference is being used to support the rejection. Applicant therefore requests sufficient notice of the grounds on which the claims are being rejected.

B. **Claim Rejections**

Claims 1, 3 and 11-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, and further in view of King et al., U.S. Patent No. 6,415,158.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., U.S. Patent No. 6,415,158, and further in view of King et al., European Patent No. 1026908.

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., U.S. Patent No. 6,415,158, in view of King et al., European Patent No. 1026908, and further in view of Connor, U.S. Publication No. 2004/0203353.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., **(unknown which reference)** and further in view of Segal, U.S. Patent No. 7,031,280.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King **(unknown which reference)**, and further in view of Garcia, U.S. Publication No. 2005/0146432.

Claim 17-19 are rejected 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al. **(unknown which reference)**, and in view of Connor, U.S. Publication No. 2004/0203353.

C. **Patentability of Claim 1 in View of Henriksson (U.S. Publ. No. 2005/0052341), Ella (U.S. Patent No. 6,751,470) (NOKIA) and King et al. (US 6,415,158) (LUCENT)**

Applicant disagrees with the rejection of independent claim 1 and believes that claim 1 is non-obvious in view of the cited references.

As acknowledged by the Examiner, the combination of HENRIKSSON and ELLA fails to teach wherein the second standard is a walkie-talkie standard that uses the same frequency band for transmission and reception.

1. KING

KING '158 describes a dual mode mobile phone that operates in PCS 1900 standard (first standard) during normal operating mode and operates in walkie-talkie standard (second standard) during a supplemental operating mode. As mentioned in col. 4 ll. 39-40 of KING's document, two-way radio communication (i.e., walkie-talkie standard) transmits and receives at the same frequency.

However, as mentioned in col.1 ll.38-45 of KING's document, in walkie-talkie standard (second standard) the mobile phone transmits and receives at frequencies **between** the transmit and receive frequency bands of the PCS 1900 standard (first standard).

Therefore, the Examiner should agree that KING fails to teach wherein the second standard (i.e., walkie-talkie standard) uses at least partially one of the frequency bands of the first standard.

2. ELLA

ELLA (NOKIA) describes a radiocommunication device capable of operating on at least two transmission frequency bands and at least two reception frequency bands of a first predetermined standard, the device comprising:

- first means for implementing communications according to the first predetermined standard, and

- second means for implementing communications according to a second predetermined standard, at least partially using at least one of said frequency bands.

As mentioned previously, ELLA (NOKIA) fails to specifically disclose the feature of claim 1 according to which the second standard is a walkie-talkie standard that uses the same frequency band for transmission and reception.

3. Proposed Combination of References

Then the technical problem of this feature is to implement two-way radio communication (i.e., communication using the same frequency for transmission and reception) with the same radiocommunication device.

Applicant believes that if one of ordinary skill in the art would have been encouraged to look for a solution to the above-mentioned problem in KING, which deals with the problem of adding two-way radio functionality to a frequency division duplex mobile, then that person would have learned from KING's document that the above-mentioned technical problem can be solved by implementing a walkie-talkie standard (second standard) using frequencies **between** the frequency bands of the first standard (PCS 1900 standard).

In consequence, the one of ordinary skill in the art would have been encouraged by the teaching of KING to replace the DCS 1800 standard (second standard) of ELLA (that uses at least partially one of the frequency bands of the first standard of ELLA) by the walkie-talkie standard (second standard) of KING (that uses frequencies between the frequency bands of the first standard of KING).

In conclusion, the one of ordinary skill in the art would have not come to the claimed invention without applying a non-obvious, inventive step. Indeed, it would have been **non-obvious** for the one of ordinary skill in the art to replace the DCS 1800 standard of ELLA by the walkie-talkie standard of KING, while maintaining the frequency bands proprieties of the DCS 1800 standard of ELLA (i.e., DCS 1800 standard (second standard of ELLA) using at least partially one of the frequency bands of the PCS 1900 standard (first standard of ELLA)).

The Examiner should agree that the combination of HENRIKSSON, ELLA and KING is not relevant to the present invention since one of ordinary skill in the art would have not come to a walkie-talkie standard using at least partially one of the frequency bands of the first standard (as disclosed in pending claim 1).

Regarding all the above-arguments, it appears that the claim 1 and similarly claim 15 are novel and involve a non-obvious, inventive step.

Claims 1, 2-15 and 17-19 are therefore believed to be in condition for allowance.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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